

**WILLIAMSBURG PLANNING COMMISSION
MINUTES
Wednesday, September 15, 2004**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, September 15, 2004, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 N. Boundary Street.

CALL TO ORDER and ATTENDANCE

Chairman Young called the meeting to order.

Present at the meeting in addition to Mr. Young were Commissioners Hertzler, Rose, Friend, Pons, and McBeth. Commissioner Smith arrived late. Also present were Planning Director Nester, City Attorney Phillips, Zoning Administrator Murphy and Secretary Scott.

MINUTES

Mr. Pons moved that the minutes of the August 9 work session and 18 regular meeting be approved as corrected. The motion was seconded by Mr. Hertzler and carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, McBeth, Pons, Rose, Young
No:	None
Absent:	Smith

MATTERS OF SPECIAL PRIVILEGE

Chairman Young turned the meeting over to the City Mayor Jeanne Zeidler who presented the 2004 Beautification Awards:

<u>Category</u>	<u>Winner</u>
• Businesses	
Bed & Breakfast -----	Liberty Rose Bed & Breakfast
General Business -----	Seafare of Williamsburg
Hotel/Motel -----	Westgate Resorts
• Individual -----	Jim Gordon (Skipwith Farms)
• Institutions -----	Williamsburg United Methodist Church
• Neighborhoods -----	Longhill Woods
• Committee's Choice Award -----	Landscape Department/City of Williamsburg
• Grand Award -----	Colonial Williamsburg Foundation/College Corner Building

Mayor Zeidler acknowledged City Councilmen Billy Scruggs and Mickey Chohany and City Manager Jack Tuttle who were members of the audience present for the ceremony. She introduced members of the Beautification Advisory Committee who worked on the Award Program and thanked them for their efforts, noted the importance of continued attention to the beautification of our community, and thanked all of the winners for their contributions to the City of Williamsburg.

CONSENT AGENDA

Mr. Pons moved that the item on the consent agenda, **SPR #04-016: KFC Restaurant, 1545 Richmond Road – New Restaurant**, be approved contingent upon the extinguishment of the interior property line and the details of the relocation of the signal pole being acceptable to City staff prior to the issuance of any building or land disturbing permits for the project. Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, McBeth, Pons, Rose, Young
No:	None
Absent:	Smith

PUBLIC HEARINGS

PCR #04-18: Amendment of Chapter 21, Zoning, of the Williamsburg City Code, to revise Article III, Division 10.1, ED Economic Development District; to revise parking requirements for townhouses, planned unit developments and multifamily dwellings [Sec. 21-707(a)(3) and (4)]; to add the ED District to the list of districts in which a parking master plan may be approved in lieu of the regular parking regulations [Sec. 21-709(a)]; to add the LB-1, LB-3, LB-4 and ED Districts to the list of districts requiring site plans for permitted uses [Sec. 21-780(5)]; and to add a provision allowing traffic studies and public utility analysis to be required as part of site plan review [Sec. 21-781(l)]. These changes will create allow more flexibility in developing tax-generating mixed use projects in the ED Economic Development District. A more substantial housing component will be allowed, a more extensive range of commercial uses is proposed, medical uses area allowed, and a height of 60 feet is allowed for hospitals and for other buildings set back at least 200 feet from designated major streets. These regulations will apply to the proposed High Street project on Richmond Road, and to the future development of portions of the property north of Route 199 and east of Quarterpath Road. The Commission recommended approval by a vote of 7-0.

Mr. Nester stated that although PCR #04-018 and PCR #04-019 will be voted on separately, they will be discussed as one. He proceeded to review the memorandum dated September 9, 2004 in which it is noted that the intent statement for the ED Economic Development District has been substantially revised to allow a mixture of tax-generating commercial, entertainment, office, and medical uses in a mixed-use setting with an emphasis on landscaping and high quality design standards. The changes provide much more flexibility for creating a viable mixed use development. Changes are also recommended to the height regulations, allowing a 60 foot height for hospitals and other buildings set back at least 200 feet from designated major streets. Mr. Nester stated that parking revisions are proposed and because more uses would be allowed by right, revisions to site plans are proposed that will allow a traffic study and a utility analysis to be required as a part of a site plan. Mr. Nester continued that the new proposals for revisions to the ED Economic Development District, which will implement the Economic Development land use areas designated in the Comprehensive Plan, combine the Plan's recommendations for economic development with the concepts of the Plan's mixed use areas, creating a hybrid land use that incorporates the best ideas from these two important land use categories. An important concept is that large new developments can contribute to the City's character by having a well designated mix of uses, rather than being a monolithic commercial or office development. In conclusion, Mr. Nester said the proposed zoning text revisions will, by combining the best features of Economic Development and Mixed Use land uses, create new opportunities for developing tax-generating mixed use projects in the ED District, with an extensive range of commercial and medical uses being allowed, along with a more substantial housing component. Allowing this type of development will help to implement the Comprehensive Plan's primary goal for Land Use.

[Commissioner Smith arrived.]

In order to avoid freestanding food purveyors in parking lots, Mr. Pons asked if there can be a maximum size for restaurants stated in the ordinance. Mr. Nester responded that as written, there is no specification of the size restaurant so a small kiosk restaurant is a possibility. He added that appropriate language could be added if necessary.

Chairman Young opened the public hearing.

There being no comment the public hearing was closed.

Points in the Commission's discussion:

- Mr. Hertzler stated that large properties, such as this one and any involving the College Woods, have a huge impact on the City of Williamsburg and we need to ensure that the design standards are high enough for any projects there. In answer to Mr. Young's query, "How does one measure high standards?" Mr. Phillips answered, "Beauty is in the eye of the beholder."
- Mr. Nester responded that the structure of the Zoning Ordinance allows a lot of flexibility and encourages innovative design. Any proposal located along

- the Richmond Road corridor frontage is subject to not only landscape and parking regulations, but also Architecture Review.
- Mr. Hertzler said that although he has no specific proposal, anything that can be done to keep the properties beautiful and not dated should be the goal. Currently, along the Richmond Road corridor only proposals that are in the Corridor Protection District will be reviewed by the Architectural Review Board.
 - It was noted that the Architectural Review Board will conduct a conceptual review on the entire project.
 - Suggestion was made that the larger projects, such as Yankee Candle, have review similar to that done by the Homeowner's Association in Port Anne. Maybe Architectural Review could be extended to include the areas in addition to those only in the Corridor Protection area. City Attorney Phillips noted that the boundaries, which are currently 500 feet back from the street in the CP cannot be extended; the state dictates what the ARB can review and in the Corridor Protection District it is only one lot deep.
 - Mr. Hertzler asked if Treyburn Drive will be a major corridor once it's extended and Mr. Nester responded that it will become a corridor street, but probably doesn't fit into the "entrance corridor" definition. Mr. Phillips agreed that state enabling legislation is pretty specific about what constitutes an entrance corridor.

Mr. Pons moved that Planning Commission recommend to City Council that the Zoning Ordinance be amended by revising the ED Economic Development District; revising parking requirements for multifamily dwellings; adding the ED District to the list of districts in which a parking master plan may be approved in lieu of the regular parking regulations; adding the LB-1, LB-3, LB-4 and ED Districts to the list of districts requiring site plans for permitted uses; and adding a provision allowing traffic studies and public utility analysis to be required as part of site plan review.

Mrs. McBeth seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, McBeth, Pons, Rose, Young, Smith
No:	None
Absent:	None

PCR #04-019: Rezoning of approximately 6.2 acres of land at 1440-1446 Richmond Road from B-3 General Business District to ED Economic Development District. This property is designated as Corridor Commercial land use in the 1998 Comprehensive Plan, which is planned for retail, office, service or lodging uses. This property will be a part of the High Street project. The Commission recommended approval by a vote of 7-0.

Mr. Pons noted that this rezoning exemplifies all the Commission has talked about at their Comprehensive Plan work sessions. He moved that the Commission recommend to City Council that the rezoning of 6.2 acres at 1440 and 1445 Richmond Road be approved.

Mr. Rose seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, McBeth, Pons, Rose, Young, Smith
No:	None
Absent:	None

OPEN FORUM

Chairman Young opened the Open Forum portion of the meeting encouraging comments from the audience on any topic. He noted that if anyone has comments regarding site plans or subdivision plans, they need to be made now since the items on the agenda for Site Plans and Subdivisions are not public hearings.

There being no comment the Open Forum portion of the meeting was closed.

SITE PLANS AND SUBDIVISIONS

Discussion of Site Plan review process: City Attorney Phillips stated that due to confusion regarding the Site Plan Review procedure, he will attempt to clarify the process. He said there seems to be confusion particularly when a request for a special use permit is involved. The Zoning Ordinance contains development criteria rather like the concept used in a cookbook. Any site plan submission goes through extensive staff review prior to review by the Site Plan Review (SPR) committee. The function of the SPR committee is to review the proposal and ensure they are satisfied the property being developed works as well as possible. With the special use permit, there is a combination of rezoning and preliminary site plan review rolled into one. Because Yankee Candle is over the 50,000 square foot maximum, the proposal needed to go through the special use permit process. The issue is not only should so large a building be allowed, but also is a project that is brought before us appropriate. The concept is fixed but still has variables. The basic layout has been determined by the SPR process.

Mr. Nester added that there is always discussion with the developer and a clause included regarding additional or specific requirements, e.g. additional landscaping. If the building didn't exceed 50,000 square feet, it could not be required to be moved forward.

Chairman Young suggested that the chairman of the Site Plan Review committee, Charles Friend, and Mr. Nester set up a time to meet and talk about the Site Plan Review process.

SPR #04-016: KFC Restaurant, 1545 Richmond Road, was approved with conditions under the consent agenda.

SPR #04-018: Yankee Candle, 2200 Richmond Road – Yankee Candle retail store. The Commission approved the final site plan with contingencies by a vote of 7-0.

Mr. Nester reviewed the memorandum dated September 10, 2004 in which it is noted City Council approved the special use permit for Yankee Candle on September 9, 2004, by a vote of 5-0. Mr. Nester added that additional study was completed on the Captain Newport Circle location and Council approved the proposal that incorporated the changes Planning Commission had suggested – the front landscape area was reduced from 19 feet to 15 feet, and the 10 foot wide center landscape islands were eliminated, which resulted in an additional 15 feet of landscape area adjacent to the 35 foot transitional screening buffer area.

Mrs. Smith asked how the parcels could be sold if Yankee Candle cannot make a go of it. Mr. Nester responded that they are separate lots and each lot is designed to meet individual requirements. They could be owned by four different people. In answer to Mrs. Smith's query regarding signage, Mr. Nester responded there is one sign allowed for each lot.

Mr. Pons moved that the Planning Commission approve the final site plan (which includes sites for three restaurants), and the requested slope waivers, contingent upon the following:

1. Obtain the following prior to the issuance of any land disturbing or building permits for the project:
 - a. A VPDES construction permit.
 - b. Final approval from James City Service Authority, Newport News Water Works and Dominion Virginia Power.
 - c. A right-of-way permit and bond for the work to be performed on the City's right-of-way.
2. Obtain final approval from Newport News Water Works and Dominion Virginia Power prior to grading work on Parcel 4.
3. Provide the following prior to the issuance of a certificate of occupancy for Yankee Candle:
 - a. Recordation of a plat and easement agreement that conveys the new storm drainage easements and quitclaims the abandoned storm drainage easements. The easement agreement shall provide a 10-year extended warranty on the trenches.
 - b. Recordation of an easement for the portion of the sidewalk along Richmond Road that is located on private property.
 - c. Recordation of an easement to allow the adjacent property to the south to have vehicular access to the Yankee Candle site, provided that the construction of this access shall be at the cost of the adjacent property owner.

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- d. Recordation of a subdivision plat creating the four lots as shown on the approved special use permit.
4. Resolve minor engineering details to the satisfaction of City staff.

Mr. Rose seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye:	Hertzler, McBeth, Pons, Rose, Friend, Young, Smith
No:	None
Absent:	None

OLD BUSINESS - None

NEW BUSINESS - None

OTHER - None

INFORMATION ITEMS

Commission members received the following reports:

- Report from City Council
- Planning Department Monthly Report
- Monthly Financial Statement

PUBLIC HEARINGS SCHEDULED FOR OCTOBER 20, 2004 - None

The meeting adjourned at 5:00 p.m.

Jesse Young, Chairman
Williamsburg Planning Commission